

LEGISLATIVE BILL 479

Approved by the Governor April 26, 2011

Introduced by Lathrop, 12.

FOR AN ACT relating to public health and safety; to amend section 29-4306, Reissue Revised Statutes of Nebraska; to authorize a person eighteen years of age to give consent to evidence collection and examination and treatment in cases of sexual assault and domestic violence; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-4306, Reissue Revised Statutes of Nebraska, is amended to read:

29-4306 Every health care professional as defined in section 44-5418 or any person in charge of any emergency room in this state:

(1) Shall utilize a standardized sexual assault evidence collection kit approved by the Attorney General; and

(2) Shall collect forensic evidence with the consent of the sexual assault or domestic violence victim without separate authorization by a law enforcement agency. If the sexual assault or domestic violence victim is eighteen years of age, the consent of or notification of the parent, parents, guardian, or any other person having custody of the sexual assault or domestic violence victim is not required.

Sec. 2. A physician, his or her agent, or a mental health professional as defined in section 71-906, upon consultation with a patient who is eighteen years of age, shall, with the consent of the patient, make or cause to be made a diagnostic examination for physical or mental injuries associated with sexual assault or domestic violence and prescribe for and treat such person for injuries associated with sexual assault or domestic violence. All such examinations and treatment may be performed without the consent of or notification to the parent, parents, guardian, or any other person having custody of the patient.

Sec. 3. Original section 29-4306, Reissue Revised Statutes of Nebraska, is repealed.